

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GARY FRIEDRICH ENTERPRISES, LLC and
GARY FRIEDRICH,

Plaintiffs,

- against -

MARVEL ENTERPRISES, INC., MARVEL
ENTERTAINMENT, INC., MARVEL
STUDIOS, INC., MARVEL CHARACTERS,
INC., HASBRO, INC., TAKE-TWO
INTERACTIVE, COLUMBIA TRI-STAR
MOTION PICTURE GROUP, COLUMBIA
PICTURES INDUSTRIES, INC., CRYSTAL
SKY PICTURES, RELATIVITY MEDIA LLC,
MICHAEL DELUCA PRODUCTIONS, INC.,
SONY PICTURES ENTERTAINMENT, INC.
and SONY CORPORATION OF AMERICA,

Defendants.

08-CV-01533 (BSJ) (JCF)

DECLARATION OF ERIC NYMAN

Eric Nyman hereby declares pursuant to 28 U.S.C. § 1746 as follows:

1. I am a Vice President of Marketing for Boys Licensed Products for Hasbro, Inc. ("Hasbro"), a defendant in the above-captioned action. I submit this declaration in opposition to Plaintiffs' motion to re-transfer venue of this action from the Southern District of New York to the Eastern District of Missouri.

2. Hasbro, Inc. is a Rhode Island corporation with its principal place of business in Rhode Island. Hasbro recently opened a very small California office located in Beverly Hills, but does not have any offices in Missouri.

3. Hasbro currently anticipates that the following party witness will testify on its behalf:

(a) A representative of Hasbro will testify concerning Hasbro's licensing from Marvel of the right to utilize the copyrights and trademark relating to the Ghost Rider and the other characters at issue in this action for certain toys, its use of those rights and Hasbro's revenues and expenses relating to its manufacture and distribution of toys utilizing the Ghost Rider character. Hasbro negotiated its agreement with Marvel to license the rights in Rhode Island and to some extent in New York, its accounting operations as they pertain to its utilization of the Ghost Rider rights are conducted out of Hasbro's offices in Rhode Island, which is where all of Hasbro's documents are located, and the representative who will testify on behalf of Hasbro will be a Rhode Island-based employee.

4. It would be much more convenient for Hasbro to litigate this action in the Southern District of New York than it would be for Hasbro to litigate this action in the Eastern District of Missouri. It is easier for representatives of Hasbro to travel to New York than to Missouri. Representatives of Hasbro travel regularly to New York for business, as Hasbro has significant relationships with licensors in New York and the major industry trade shows are held in New York. Hasbro does not have any similar relationships in Missouri.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 28, 2008 in Rhode Island.


ERIC NYMAN